APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/055,947	04/07/98	YELLIN	F	06502.0046

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EXAMINER	
BOOKER, K	
ART UNIT	PAPER NUMBER
2762	3

DATE MAILED:
07/21/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____ *3* _____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-23* _____ is/are pending in the application.

    Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) *6-23* _____ is/are allowed.

☒ Claim(s) *1 and 3* _____ is/are rejected.

☒ Claim(s) *2, 4, and 5* _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on _____ *Apr 7, 1998* _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

        ☐ received.

        ☐ received in Application No. (Series Code/Serial Number) _____ .

        ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    *Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ *2* _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

DETAILED ACTION

Drawings

1.   This application has been filed with informal drawings which are acceptable for

examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   **Claims 1 and 3** are rejected under 35 U.S.C. 102(b) as being anticipated by Cierniak,

"Briki: an optimizing Java compiler".

    As per claim 1, Cierniak teaches of a method for statically initializing an array

comprising the steps of:

        a. compiling source code containing an array with static values to generate a class file

with a class initialization (cinit) method (see page 179, abstract and section 1, generating JavaIR

(Java Intermediate Representation));

b. receiving a class file into a preloader (see page 181, section 3, recovering high-level structure);

c. compare the execution of byte codes of the cinit method against memory to identify the static initialization of an array by the preloader (see page 181, section 3, mapping between JavaIR and Java Source);

d. storing into an output file an instruction requesting the static initialization of an array (see page 183, section 4.1, array layout optimization); and

e. interpreting the instruction by a virtual machine to perform the static initialization of the array (see page 182, section 3.2, symbolic emulation).

As per claim 3, Cierniak teaches of a method whereby play executing comprise the steps:

a. allocating a stack (see page 182, section 3.2, stack allocation);

b. reading byte code from the clint method that manipulates the stack (see page 182, section 3.2, stack recovery); and

c. performing stack manipulation on the allocated stack (see page 182, sections 3.2-3.3, stack recovery and manipulation).

Allowable Subject Matter

4.   **Claims 2, 4 and 5** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. **Claims 6-23** are allowed.

5.   The following is a statement of reasons for the indication of allowable subject matter: the

cited prior art above in the examination fails to teach of:

   a. constant pool storage; and

   b. explicit operations (e.g., initialization, allocation, manipulation and simulation) with

respect to "play" execution.

Conclusion

An inquiry concerning this communication or earlier communications from the examiner

should be directed to Kelvin Booker whose telephone number is (703) 308-4088. The examiner

can normally be reached on Monday-Thursday from 7:00 AM-5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax phone number for the

organization where this application or proceeding is assigned is (703) 308-1396.

An inquiry of a general nature or relating to the status of this application proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

Kelvin E. Booker

Patent Examiner

Group Art Unit 2762

Tariq R. Hafiz
Supervisory Patent Examiner
Technology Center 2700